



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.08.2017

CORAM

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**

W.P.(MD) No.15074 of 2017

and

W.M.P.(MD)No.11905 of 2017

Selvaraj

... Petitioner

-Vs-

1.The Superintendent of Police,  
Theni,  
Theni District.

2.The Sub Inspector of Police,  
Jeyamangalam Police Station,  
Theni District.

... Respondents

**Prayer:** Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the entire records pertaining to the impugned order dated 08.08.2017 passed by the second respondent and quash the same and consequently to direct the second respondent to give permission for conducting "Aadal Padal Kalai Nigaltchi" which is scheduled to be taken place on 12.08.2017 between 07.00 p.m. and 12.00 a.m. in connection with the temple festival of "Sri Arulmigu Vettaiveeran Thirukkivil" situated at Jeyamangalam, Theni District by taking in to consideration of the petitioner's representation dated 08.08.2017.

For Petitioner : Mr.S.Balaji  
For Respondents : Mr.A.K.Baskarapandiyan,  
Special Government Pleader.

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### **O R D E R**

This Writ petition has been filed for issuance of a Writ of Certiorarified Mandamus, to call for the entire records pertaining to the impugned order dated 08.08.2017 passed by the second respondent and quash the same and consequently direct the second respondent to give permission for conducting "Aadal Padal Kalai Nigaltchi" which is scheduled to be taken place on 12.08.2017 between 07.00 p.m. and 12.00 a.m. in connection with the temple festival of "Sri Arulmigu Vettaiveeran Thirukkivil" situated at Jeyamangalam, Theni District by taking in to consideration of the petitioner's representation dated 08.08.2017.



2. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents.

3. The learned counsel for the petitioner submitted that the villagers jointly decided to conduct "Aadal Padal Kalai Nigaltchi" on 12.08.2017 in connection with a festival of "Sri Arulmigu Vettaiveeran Thirukkovil" situated at Jeyamangalam, Theni District. He further submitted that in this connection, a representation was given to the second respondent on 08.08.2017, with a request to grant permission and protection to conduct the programmes on the above said date. However, the second respondent rejected the said representation, by the impugned proceeding, dated 08.08.2017, on the ground that permitting of such programme is likely to bring law and order problem and hence, the petitioner is before this Court with this Writ Petition.

4. The learned Special Government Pleader appearing for the respondents, on instructions, submitted no untoward incident is reported and that this Court may grant permission for "Aadal Padal Kalai Nigaltchi" subject to stringent conditions.

5. Considering the facts and circumstances of the case, the impugned order dated 08.08.2017 passed by the second respondent is set aside and the Writ petition is allowed with the following direction:-

*The second respondent/The Sub Inspector of Police, Jeyamangalam Police Station, Theni District, is directed to consider the representation of the petitioner, dated 08.08.2017 and to give permission and to provide police protection for "Aadal Padal Kalai Nigaltchi" in connection with a festival of "Sri Arulmigu Vettaiveeran Thirukkovil" situated at Jeyamangalam, Theni District, scheduled to be held on 12.08.2017, subject to the following conditions;*

*(a) the "Aadal Padal Kalai Nigaltchi" in connection with a festival of "Sri Arulmigu Vettaiveeran Thirukkovil" situated at Jeyamangalam, Theni District, scheduled to be held on 12.08.2017, should be completed before 10.30 p.m.*

*(b) double meaning songs should not be played so as to spoil the minds of students and the youth;*

*(c) no songs, touching upon any political party or religion, community or caste be played;*

*no flex boards in support of any political party or religious leader be erected;*



(e) the function should not affect either religious or communal harmony and shall be conducted without any discrimination based on caste;

(f) if there is any violation of any one of the conditions imposed, the concerned Police Officer is at liberty to take necessary action, as per law and stop such performance;

(g) similarly, the Police is empowered to stop the programme, if it exceeds beyond the permitted time;

(h) the participants of the programme shall not intake any kind of in-toxic substance or liquor during the programme; and

(i) if any untoward incident takes place, the organizers of the programme be made responsible for the same.

6.It is open to second respondent police to put any further restrictions or to impose any conditions purely in the interest of preserving public order and tranquillity. There can be a total ban for putting up any Flex Boards representing any community. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

/Truecopy/

Sub Assistant Registrar

To

1.The Superintendent of Police,  
Theni,  
Theni District.

2.The Sub Inspector of Police,  
Jeyamangalam Police Station,  
Theni District.

+1cc to M/S.S.BALAJI, Advocate SR.No.71853

gsp/dss

JS/SV-MMS/SAR4:11.08.2017:3P-4C

W.P. (MD) No.15074 of 2017  
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